

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Louis A. Lippincott

Examiner: Aurazzeb Hassan

Serial No.: 10/750,544

Group Art Unit: 2182

Filed: December 31, 2003

Docket: 884.A64US1

For: PROGRAMMABLE VIDEO PROCESSING AND VIDEO STORAGE
ARCHITECTURE

APPEAL BRIEF UNDER 37 CFR § 41.37

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Appeal Brief is presented in support of the Notice of Appeal to the Board of Patent Appeals and Interferences, filed on December 11, 2008, from the Final Rejection of claims 1-3, 5-6, 9, 23-25, and 27-28 of the above-identified application, as set forth in the Final Office Action mailed on June 12, 2008.

The Commissioner of Patents and Trademarks is hereby authorized to charge Deposit Account No. 19-0743 in the amount of \$540.00 which represents the requisite fee set forth in 37 C.F.R. § 41.20(b)(2). The Appellants respectfully request consideration and reversal of the Examiner's rejections of pending claims.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37**TABLE OF CONTENTS**

	<u>Page</u>
1. REAL PARTY IN INTEREST	3
2. RELATED APPEALS AND INTERFERENCES	4
3. STATUS OF THE CLAIMS	5
4. STATUS OF AMENDMENTS	6
5. SUMMARY OF CLAIMED SUBJECT MATTER	7
6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	10
7. ARGUMENT	11
8. CLAIMS APPENDIX	14
9. EVIDENCE APPENDIX	17
10. RELATED PROCEEDINGS APPENDIX	18

1. REAL PARTY IN INTEREST

The real party in interest of the above-captioned patent application is the assignee,
INTEL CORPORATION.

2. RELATED APPEALS AND INTERFERENCES

An Appeal Brief was filed on April 17, 2009 for related U.S. Patent Application Serial Number 10/600,048 entitled "COMMUNICATION PORTS IN A DATA DRIVEN ARCHITECTURE."

3. STATUS OF THE CLAIMS

The present application was filed on December 31, 2003 with claims 1-30. A restriction Requirement was mailed January 23, 2007. On May 23, 2007, the Assignee of the present application and Appellant's representative both filed a response to the Restriction Requirement. The response filed by the Assignee provisionally elected, with traverse, claims 1-18 and 23-30, while the response filed by Appellant's representative canceled claims 19-22 and elected claims 1-18 and 23-30 without traverse. A non-final Office Action mailed August 10, 2007 modified the restriction requirement and noted a telephone interview on August 1, 2007 with Appellant's representative Gregg Peacock in which Appellant elected without traverse Group I, Species I including claims 1-3, 5, 6, 9, 23-25, 27 and 28. The non-final Office Action withdrew from consideration claims 4, 7, 8, 10-18, 26, 29 and 30. Further, the non-final Office Action rejected claims 1-3, 5, 6, 9, 23-25, 27 and 28. A Final Office Action (hereinafter "the Final Office Action") was mailed June 12, 2008 rejecting claims 1-3, 5, 6, 9, 23-25, 27 and 28. Claims 1-3, 5, 6, 9, 23-25, 27 and 28 stand twice rejected, remain pending, and are the subject of the present Appeal.

4. STATUS OF AMENDMENTS

No amendments have been made subsequent to the Final Office Action dated June 12, 2008

5. SUMMARY OF CLAIMED SUBJECT MATTER

In general, the independent claims recite systems and methods that receive video data in a video display device. The systems and methods determine if the video display device is in a storage mode, and if so store the video data. Additionally, the systems and methods determine if the video display device is in an image processing mode, and if so, performs enhanced image processing on the video.

This summary is presented in compliance with the requirements of Title 37 C.F.R. § 41.37(c)(1)(v), mandating a “concise explanation of the subject matter defined in each of the independent claims involved in the appeal . . .” Nothing contained in this summary is intended to change the specific language of the claims described, nor is the language of this summary to be construed so as to limit the scope of the claims in any way.

Further details on method, apparatus and machine-readable media embodiments are presented below.

INDEPENDENT CLAIM 1

One example embodiment is a method comprising:

receiving video into a video display device; *[see e.g., FIG. 1, elements 100, 118; FIG. 14, element 1402; page 4, line 12 to page 5, line 27; and page 34, lines 27-30]*

storing, by at least one processor, the video into a memory, upon determining that the video display device is in a storage mode, wherein the video stored into the memory is to be subsequently retrieved for display on a video display coupled to the video display device; and *[see e.g., FIG. 1, elements 106, 108 and 112; FIG. 14, elements 1404, 1408 and 1410; page 4, line 12 to page 5, line 27; and page 35, lines 1 to page 39, line 7]*

performing enhanced image processing on the video with the at least one processor, upon determining that the video display device is in an image processing mode, wherein the video display device is to operate in the image processing mode, upon determining that video is not being stored into the memory or the video stored in the memory is not being retrieved for display on a video display. *[see e.g., FIG. 1, elements 106, 118; FIG. 14, elements 1404 and 1412; page 4, line 12 to page 5, line 27; page 35, lines 1-14; and page 39, line 8 to page 40, line 16]*

INDEPENDENT CLAIM 9

A further example embodiment is an apparatus comprising:

an input/output interface coupled to a memory; and *[see e.g., FIG. 2, elements 108, 204, 206 and 208; page*

a first programmable processor to perform a first enhanced image processing operation on video if a current mode of the apparatus is an image processing mode, and wherein the first programmable processor is to store the video into the memory if the current mode of the apparatus is a storage mode, wherein the video stored into the memory is to be subsequently retrieved for display on a video display coupled to the apparatus, and wherein the apparatus is to operate in the image processing mode, upon determining that video is not being stored into the memory or the video stored in the memory is not being retrieved for display on a video display. *[see e.g., FIG. 1, elements 106, 108, 112 and 118; FIG. 2, elements 106, 108; FIG. 14, elements 1404, 1408, 1410 and 1412; page 4, line 12 to page 5, line 27; and page 35, line 1 to page 40, line 16]*

INDEPENDENT CLAIM 23

An additional example embodiment is a machine-readable storage medium that provides instructions, which when executed by a machine, cause said machine to perform operations comprising:

receiving video into a video display device; *[see e.g., FIG. 1, elements 100, 118; FIG. 14, element 1402; page 4, line 12 to page 5, line 27; and page 34, lines 27-30]*

storing, by at least one processor, the video into a memory, upon determining that the video display device is in a storage mode, wherein the video stored into the memory is to be subsequently retrieved for display on a video display coupled to the video display device; and *[see e.g., FIG. 1, elements 106, 108 and 112; FIG. 14, elements 1404, 1408 and 1410; page 4, line 12 to page 5, line 27; and page 35, lines 1 to page 39, line 7]*

performing enhanced image processing on the video with the at least one processor, upon determining that the video display device is in an image processing mode, wherein the video display device is to operate in the image processing mode, upon determining that video is not being stored into the memory or the video stored in the memory is not being retrieved for display on a video display. *[see e.g., FIG. 1, elements 106, 118; FIG. 14, elements 1404 and 1412; page 4, line 12 to page 5, line 27; page 35, lines 1-14; and page 39, line 8 to page 40, line 16]*

This summary does not provide an exhaustive or exclusive view of the present subject matter, and Appellant refers to each of the appended claims and its legal equivalents for a complete statement of the invention.

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-3, 5-6, 9, 23-25, and 27-28 were rejected under 35 U.S.C. § 102(b) for anticipation by Faroudja (U.S. 5,151,783).

7. ARGUMENT

A) The Applicable Law under 35 U.S.C. §102

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *M.P.E.P* § 2131. To anticipate a claim, a reference must disclose every element of the challenged claim and enable one skilled in the art to make the anticipating subject matter. *PPG Industries, Inc. v. Guardian Industries Corp.*, 75 F.3d 1558, 37 USPQ2d 1618 (Fed. Cir. 1996). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). It is not enough, however, that the prior art reference discloses all the claimed elements in isolation. Rather, “[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

B) Discussion of the rejection of claims 1-3, 5-6, 9, 23-25, and 27-28 under 35 U.S.C. § 102(b) as being anticipated by Faroudja (U.S. 5,151,783).

Claims 1-3, 5-6, 23-25, and 27-28 were rejected under 35 USC § 102(b) as being anticipated by Faroudja (U.S. 5,151,783, hereinafter “Faroudja”). This rejection is respectfully traversed. Appellant respectfully submits that the Final Office Action has made an improper *prima facie* showing of anticipation at least because the claims contain elements not found in Faroudja.

As an example, claims 1 and 23 recite “wherein the video display device is to operate in the image processing mode, upon determining that video is not being stored into the memory or the video stored in the memory is not being retrieved for display on a video display.” Claim 9 recites similar language. The Final Office Action asserts that Faroudja discloses the recited language, stating “video not displayed if not functioning through the memory, via modes in the

decoder, 60 and 102, figure 4, which is the processing mode of no data.” Appellant respectfully disagrees with this interpretation of Faroudja for several reasons. First, Faroudja merely discloses that a signal path 12 may include either a broadcast channel or a recording (i.e. storage) medium (see e.g., column 6, lines 37-41). While Faroudja discloses a recording medium, there is no “mode” associated with the use of the recording media versus the broadcast channel. In other words, Faroudja fails to disclose any change in the processing of video data based on a storage mode and an image processing mode. The processing in Faroudja appears to be performed regardless of the output mode.

Second, there is no “processing mode of no data” in Faroudja. Appellant has reviewed Faroudja, including performing a computerized text search, and can find no appearance of the term “no data” in Faroudja. Even if Faroudja did in fact disclose a “no data” mode, it would be different than the operation of the method and system recited in claims 1, 9 and 23. A “no data” mode would appear to simply mean no data was to be processed. This is different from determining how to process video data depending on whether the video data is to be stored or to be processed using enhanced video processing. A “no data” mode implies that there nothing to process or store, thus a “no data” mode is not the same as the detection of whether the display device is in an image processing mode or a storage mode as recited in claims 1, 9 and 23.

Finally, elements 60 and 102 are merely two different decoders, an NTSC decoder and a digital decoder where the system can switch between the two. The two decoders do not imply nor require a detection of a storage mode, and therefore do not disclose operating a video display device is to operate “in the image processing mode, upon determining that video is not being stored into the memory or the video stored in the memory is not being retrieved for display on a video display.”

In view of the above, Faroudja fails to disclose each and every element of claims 1, 9 and 23. Further, Faroudja does not disclose the identical invention must be shown in as complete detail as is contained in the claim, arranged as in the claims. As a result, Faroudja does not anticipate claims 1, 9 and 23. Appellant respectfully requests reversal of the rejection of claims 1, 9 and 23.

Claims 2-3 and 5-6 depend from claim 1 and claims 24-25, and 27-28 depend from claim 23. These dependent claims inherit the elements of their respective base claims 1 and 23 and are not anticipated by Faroudja for at least the reasons discussed above regarding their respective base claims. Appellant respectfully reversal of the rejection of claims of claims 2-3, 5-6, 24-25 and 27-28.

SUMMARY

For the reasons argued above, claims 1-3, 5-6, 23-25, and 27-28 were not properly rejected under § 102(b) as being unpatentable over Faroudja.

It is respectfully submitted that the art cited does not render the claim anticipated and that the claims are patentable over the cited art. Reversal of the rejection and allowance of the pending claim are respectfully requested.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402

Date July 13, 2009 By


Rodney L. Lacy
Reg. No. 41,136

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of July 2009.

Name

Amy Moriarty

Signature



8. CLAIMS APPENDIX

1. A method comprising:
 1. receiving video into a video display device;
 2. storing, by at least one processor, the video into a memory, upon determining that the video display device is in a storage mode, wherein the video stored into the memory is to be subsequently retrieved for display on a video display coupled to the video display device; and
 3. performing enhanced image processing on the video with the at least one processor, upon determining that the video display device is in an image processing mode, wherein the video display device is to operate in the image processing mode, upon determining that video is not being stored into the memory or the video stored in the memory is not being retrieved for display on a video display.
2. The method of claim 1, further comprising compressing, by the at least one processor, the video prior to storing the video into the memory, upon determining that the video display device is within the storage mode.
3. The method of claim 2, wherein compressing, by the at least one processor, the video comprises performing frame reduction on the video, by a first processor of the at least one processor.
5. The method of claim 1, wherein performing enhanced image processing on the video comprises performing a ghost reduction operation.
6. The method of claim 1, wherein performing enhanced image processing on the video comprises performing a noise reduction operation.

9. An apparatus comprising:

an input/output interface coupled to a memory; and

a first programmable processor to perform a first enhanced image processing operation on video if a current mode of the apparatus is an image processing mode, and wherein the first programmable processor is to store the video into the memory if the current mode of the apparatus is a storage mode, wherein the video stored into the memory is to be subsequently retrieved for display on a video display coupled to the apparatus, and wherein the apparatus is to operate in the image processing mode, upon determining that video is not being stored into the memory or the video stored in the memory is not being retrieved for display on a video display.

23. A machine-readable storage medium that provides instructions, which when executed by a machine, cause said machine to perform operations comprising:

receiving video into a video display device;

storing, by at least one processor, the video into a memory, upon determining that the video display device is in a storage mode, wherein the video stored into the memory is to be subsequently retrieved for display on a video display coupled to the video display device; and

performing enhanced image processing on the video with the at least one processor, upon determining that the video display device is in an image processing mode, wherein the video display device is to operate in the image processing mode, upon determining that video is not being stored into the memory or the video stored in the memory is not being retrieved for display on a video display.

24. The machine-readable storage medium of claim 23, further comprising compressing, by the at least one processor, the video prior to storing the video into the memory, upon determining that the video display device is within the storage mode.

25. The machine-readable storage medium of claim 24, wherein compressing, by the at least one processor, the video comprises performing frame reduction on the video, by a first processor of the at least one processor.

27. The machine-readable storage medium of claim 23, wherein performing enhanced image processing on the video comprises performing a ghost reduction operation.

28. The machine-readable storage medium of claim 23, wherein performing enhanced image processing on the video comprises performing a noise reduction operation.

9. EVIDENCE APPENDIX

None.

10. RELATED PROCEEDINGS APPENDIX

None.